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LAWYER

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The Deliberative Privilege  
under M.R.E. 509 \*

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### I. Introduction

Do you swear (or affirm) that you will faithfully perform all the duties incumbent upon you as a member of this court: that you will faithfully and impartially try, according to the evidence, your conscience, and the laws applicable to trials by courts-martial, the case of the accused now before this court: and that you will not disclose or discover the vote or opinion of any particular member of the court upon a challenge or upon the findings or sentence unless required to do so in due course of law, so help you God?<sup>1</sup>

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\*The opinions and conclusions expressed in this article are those of the author and do not necessarily represent the views of The Judge Advocate General's School, the Department of the Army, or any other governmental agency.

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<sup>1</sup> U.S. Dep't of Army, Pamphlet 27-15, Military Justice Handbook, Trial Guide 26 (1980); Manual for Courts-